



November 13, 2019

Danielle Goodwin

Dear Ms. Goodwin,

This letter serves as the Formal Level One response as described in District Administrative Procedure 3210 to your complaint received on September 18, 2019. Bob Kuehl, Assistant Superintendent, investigated your complaint and I am providing the response as the Superintendent's designee.

In your complaint, you shared that your son's civil rights were violated and that he was denied a comparable facility for his education. Your email complaint from September 18 is attached. The district has completed its fact finding regarding your complaint, following the formal process for resolution described in a Level One – Complaint to District, defined within Procedure 3210 (B).

The district interviewed yourself, staff, reviewed email correspondence including correspondence between yourself and staff at Whatcom Middle School regarding Lucas, and reviewed the documentation of the planning meeting with you and Whatcom Middle School staff on September 6, 2019.

As a result of the investigation, I did not conclude that the district failed to comply with applicable anti-discrimination laws. The evidence shows that all the correspondence leading up to Monday, September 16, 2019 between yourself and the district was positive and collaborative in working to best meet the needs of your son Lucas. As a student eligible for special education, Lucas is required to receive services and supports that meet his individual needs, rather than services and supports that are the same as those that are provided for other students. The evidence indicates that discussions and decision-making around Lucas's workspace were driven by his individualized needs.

Danielle Goodwin  
November 13, 2019  
Page 2

In your complaint, you shared that your son's workstation was "over the toilet" in a bathroom. The evidence indicates that a workstation was prepared for Lucas and a paraeducator to use as a quiet space in an unused restroom that had direct proximity to the classroom. The use of this space was discussed at the September 6 meeting, and had been previously mentioned to you via email. The desk which you described as Lucas's workspace over the toilet was a desk that was set up for the paraeducator who would be working with Lucas. A desk was set up for Lucas elsewhere in the room. Further, based on conversations between you and Whatcom Middle School staff on the morning of September 16, it was determined that this space was not acceptable to Lucas and therefore Lucas never was placed in this space to work.

Even though staff had the best intentions to provide a quiet and safe place for Lucas to be able to learn, the district has made it clear the unused restroom should not be used as an educational space for instruction in the future.

In addition, the evidence does not support a finding that the use of the unused bathroom as a workspace was in retaliation of your previous complaint made against a staff member at Silver Beach Elementary School in February 2017. The evidence indicates that the staff's preference not to put a student alone with an adult is a preference applied to other students as well.

If you are not satisfied with this decision, you may appeal to the Superintendent pursuant to Administrative Procedure 3210 by filing a written notice of appeal with the Superintendent within ten (10) calendar days of receiving this response.

The education, safety and well-being of your son Lucas is a high priority for all of us. Please let us know if you have any questions regarding the contents of this letter.

Sincerely,



Mike Copland  
Deputy Superintendent

cc: Greg Baker, Superintendent  
Bob Kuehl, Assistant Superintendent  
Jeff Coulter, Whatcom Middle School Principal  
Office of Superintendent of Public Schools

**From:** Danielle Goodwin <[REDACTED]>  
**Date:** September 18, 2019 at 10:07:56 PM PDT  
**To:** Greg Baker <greg.baker@bellingshamschools.org>  
**Cc:** "Haberman@bellingshamschools.org" <Haberman@bellingshamschools.org>, Bethany Verner <bethany.verner@bellingshamschools.org>  
**Reply-To:** Danielle Goodwin <[REDACTED]>

Please consider this a formal complaint.

On Monday, September 16, 2019 my son's civil rights were violated. My son has a disability and was denied a comparable facility for his education. Please see the attached photo of my son's "work space". Yes, that is a bathroom. Yes, my son's desk is over a toilet. There was also a camping mat provided for my son to nap ON the bathroom floor.

I asked my son's teacher if he could work in the library with his para and was told no. She said she didn't feel comfortable with putting someone alone with him because of previous allegations. I asked if she was referring to him turning in a Silver Beach teacher and she said yes. This is a direct retaliation for my son bravely speaking up about (alleged) sexual abuse. My son was embarrassed, and disgusted at the thought of being put in the bathroom.

I did speak with The principal's, who have been wonderful and trying their best to help my son. However, there needs to be action taken against this teacher.

My son has no faith in this school district. He has been (allegedly) touched, retaliated against, harassed, and now this. He was throwing up when we got home. It is not ok. These issues have ruined my son's educational experience. The only option left is to do online school. I work, who is going to stay home with him? These are serious questions as the actions of this teacher have not only read effected Lucas but me as a parent and my ability to work outside of the home. How is the district going to rectify this?

Danielle Goodwin

